

Appl. No.: 10/631,907

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**REMARKS/ARGUMENTS**

In the Office Action dated August 26, 2004, Claims 19-21 are pending, of which only Claim 19 is independent. Each of the claims is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,332,349 to Gerwin and U.S. Patent No. 6,527,491 to Uchimoto, et al. In addition, the Office Action requires a new title of the invention.

As set forth above, the title has been amended to more clearly refer to the subject invention of the claims. In addition, new claims 30-34 have been added, each of which is dependent on Claim 19.

Applicant respectfully traverses the rejections of each of the claims. In particular, Applicant submits that neither of the cited references teaches or suggests a rivet with a shank and head that "substantially comprise a grain structure having a grain size less than about 5 microns," as set forth in Claim 19. In fact, neither Gerwin nor Uchimoto, et al. discloses any particular grain size for a material of a rivet.

Gerwin is directed to a countersunk flush rivet with a compound radius domed head. *See* col. 2, lines 5-10. Gerwin states that the rivet can be manufactured from a number of common alloys. *See* col. 6, line 67 to col. 7, line 5. However, Gerwin does not teach or suggest that the grain size can be less than about 5 microns.

Uchimoto, et al. is directed to a "Driving Fit Rivet Made of Aluminum." Uchimoto, et al. states that the driving rivet can be made of various alloys of aluminum such as ASTM 6000 series aluminum alloy, ASTM 6061, and ASTM 6063. *See* col. 1, line 60 to col. 2, line 4. However, Uchimoto, et al. does not teach or suggest that the grain size can be less than about 5 microns.

On the other hand, Claim 19 recites grain structure having a grain size less than about 5 microns, as set forth above. Further, Applicants have described the significance of such a refined grain structure. For example, the refined grain structure can have "improved strength, toughness, ductility, fatigue resistance, and corrosion resistance so that the material will resist the formation and propagation of cracks." *See* page 8, lines 19-24 of the application.

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Accordingly, Applicant submits that Claim 19 is not anticipated by either Gerwin or Uchimoto, et al. and is therefore allowable over the cited references. For the same reasons, dependent Claims 20 and 21 are also allowable, as are new claims 30-34.

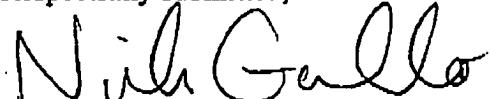
\* \* \* \*

### CONCLUSIONS

In view of the remarks presented above, Applicant submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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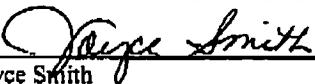
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I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
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